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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,782	01/19/2001	Guido M. Campagna	(AC 055) ITT-446-B	1375

7590 06/04/2003  
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EXAMINER

HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 06/04/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/765,782**

Applicant(s)  
**Campagna et al**

Examiner  
**James F. Hook**

Art Unit  
**3752**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 21, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 32-61 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 32-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 34, 40, 41, and 44-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Iorio (223). The patent to Iorio discloses the recited metal layer tube comprising a metal tube 52, a zinc layer 54 bonded to the metal tube, where the zinc layer can be a zinc plating or other alloys of zinc, a surface treatment layer 56 of chromate or phosphate, a priming layer 58 which is made of a nylon material which inherently is a material that is "capable" of being sprayed on where Iorio doesn't state how layer 58 is applied specifically, and a first and second polymeric layers 60 and 62, where additional layers can be provided if desired, where the thicknesses and materials claimed are disclosed in the reference including using an ionomer in nylon 12, and the surface treatment composition of claims 40 and 41, where it is considered inherent that a nylon 12 of the same make up would inherently have a low viscosity and low molecular weight.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32, 33, 35-39, 42, 43, and 50-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iorio (223) in view of Hokamura. The reference to Iorio et al discloses the recited metal layer tube comprising a metal tube 52, a zinc layer 54 bonded to the metal tube, where the zinc layer can be zinc plating or other alloys of zinc, a surface treatment layer 56 of chromate or phosphate, a priming layer 58 or a pretreatment layer that can be placed before the first polymeric layer and can be formed of a nylon material of which nylon is considered to be capable of being sprayed, and first and second polymeric layers 60 and 62, where additional layers can be provided if desired, where the thicknesses and materials claimed including the limitations of claims 37, 38 are disclosed in the reference, and included also in the teachings of the reference are the method to form it which includes extruding the plastic layers. The reference to Iorio et al discloses all of the recited structure with the exception of including phenols and carbolic acid in the primer layer. The reference to Hokamura discloses the recited plastic coating composition used to coat metal tubes as a primer layer that can be provided with various types of metal and plastic layers, and where the primer layer can include

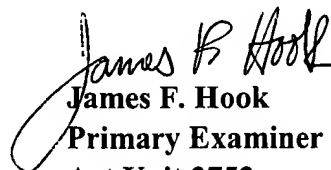
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polyamides which are nylons and can contain phenols and carbolic acids, and where such is a sprayable or extrudable where such a primer provides a layer which adheres well to the metal layers. It would have been obvious to one skilled in the art to modify the primer layer in Iorio et al by providing phenols and carbolic acid to give the primer layer better adhering properties for connecting plastic layers to metal layers as suggested by Hokamura.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Simon, Carson, Patil, Richards, Campagna, and Blomer disclosing state of the art primers.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Hook whose telephone number is (703) 308-2913.

J. Hook  
June 2, 2003

  
**James F. Hook**  
**Primary Examiner**  
**Art Unit 3752**